

118TH CONGRESS
1ST SESSION

S. 535

To streamline the oil and gas permitting process and to recognize fee ownership for certain oil and gas drilling or spacing units, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 27, 2023

Mr. HOEVEN (for himself, Mr. BARRASSO, Mr. CRAMER, and Mr. DAINES) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To streamline the oil and gas permitting process and to recognize fee ownership for certain oil and gas drilling or spacing units, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bureau of Land Man-
5 agement Mineral Spacing Act”.

6 **SEC. 2. COMPLIANCE WITH BLM PERMITTING.**

7 (a) IN GENERAL.—Notwithstanding the Mineral
8 Leasing Act (30 U.S.C. 181 et seq.), the Federal Oil and
9 Gas Royalty Management Act of 1982 (30 U.S.C. 1701

1 et seq.), or subpart 3162 of title 43, Code of Federal Reg-
 2 ulations (or successor regulations), but subject to any
 3 State or Tribal requirements and subsection (c), the Sec-
 4 retary of the Interior shall not require a permit to drill
 5 for an oil and gas lease under the Mineral Leasing Act
 6 (30 U.S.C. 181 et seq.) for an action occurring within an
 7 oil and gas drilling or spacing unit if—

8 (1) less than 50 percent of the minerals within
 9 the oil and gas drilling or spacing unit are minerals
 10 owned by the Federal Government; and

11 (2) the Federal Government does not own or
 12 lease the surface estate within the area directly im-
 13 pacted by the action.

14 (b) NOTIFICATION.—For each State permit to drill
 15 or drilling plan that would impact or extract oil and gas
 16 owned by the Federal Government—

17 (1) each lessee, or designee of a lessee, shall—

18 (A) notify the Secretary of the Interior of
 19 the submission of a State application for a per-
 20 mit to drill or drilling plan on submission of the
 21 application; and

22 (B) provide a copy of the application de-
 23 scribed in subparagraph (A) to the Secretary of
 24 the Interior not later than 5 days after the date
 25 on which the permit or plan is submitted; and

1 (2) each lessee, designee of a lessee, or applica-
2 ble State shall notify the Secretary of the Interior of
3 the approved State permit to drill or drilling plan
4 not later than 45 days after the date on which the
5 permit or plan is approved.

6 (c) NONAPPLICABILITY TO INDIAN LANDS.—Sub-
7 section (a) shall not apply to Indian lands (as defined in
8 section 3 of the Federal Oil and Gas Royalty Management
9 Act of 1982 (30 U.S.C. 1702)).

10 (d) EFFECT.—Nothing in this section affects—

11 (1) other authorities of the Secretary of the In-
12 terior under the Federal Oil and Gas Royalty Man-
13 agement Act of 1982 (30 U.S.C. 1701 et seq.); or

14 (2) the amount of royalties due to the Federal
15 Government from the production of the Federal min-
16 erals within the oil and gas drilling or spacing unit.

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